

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

CHARLES WAGGONER,)
vs.)
Plaintiff,)
vs.)
COMANCHE COUNTY DETENTION)
CENTER, et al.,)
Defendants.)
Case Number CIV-06-700-C

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner filed the present action pursuant to 42 U.S.C. § 1983, challenging the conditions of his confinement. Consistent with the provisions of 28 U.S.C. § 636, this matter was referred to Magistrate Judge Robert E. Bacharach. On July 19, 2007, Judge Bacharach issued a Report and Recommendation (“R&R”) urging the Court to deny the cross-motions for summary judgment filed by the parties.

Plaintiff filed a timely objection arguing that he should be granted summary judgment on his equal protection claim. Plaintiff's objection triggers de novo review of the R&R. Accordingly, the Court has reviewed the applicable pleadings and their attachments. Following that review, the Court finds Judge Bacharach's R&R correctly notes disputes of material fact remain and the parties' motions for summary judgment should be denied.

Upon review of the R&R and Plaintiff's objection thereto, the Court finds the thorough and well-reasoned R&R should be and hereby is ADOPTED in full. This matter

is re-referred to Magistrate Judge Bacharach for further proceedings consistent with the June 29, 2006, Order of Referral.

IT IS SO ORDERED this 17th day of July, 2007.



ROBIN J. CAUTHRON
United States District Judge